

Substitute for FORM PTO-1449			Attorney Docket Number 101.0058-03000		Customer No. 22882	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION			Applicant Gary K. Michelson		Application Number 10/802,906	
(Use several sheets if necessary) Sheet <u>1</u> of <u>3</u>			Filing Date March 17, 2004		Group Art Unit 3775	Examiner M. Lawson
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	2,460,613	2/1949	Whelan et al.			
Rex. 6 *	3,842,825	10/1974	Wagner			
	5,041,116	8/1991	Wilson			
	5,484,440	1/1996	Allard			
Rex. 5 *	5,601,553	2/1997	Trebing et al.			
Rex. 5	5,797,914	8/1998	Leibinger			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
Rex. 5	EP 0 491 211 A1	6/1992	Europe			YES
Rex. 5 *	WO 90/02526 A1	3/1990	WIPO			N/A
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
Lit. 4	Medtronic Sofamor Danek USA, Inc. et al., v. Nuvasive, Inc.; Medtronic's Third Supplemental Disclosure of Asserted Claims and Infringement Contentions; 5 pages; dated November 6, 2009; Attachment 15, 2 pages.					
Lit. 4	Medtronic Sofamor Danek USA, Inc. et al.'s Opening Claim Construction Brief; Medtronic Sofamor Danek USA, Inc., et al. v. NuVasive, Inc.; United States District Court Southern District of California; Case No.: 3:08-CV-01512 MMA (AJB); dated January 11, 2010; 70 pages.					
Lit. 4	Nuvasive Inc.'s Supplemental Response to Plaintiffs' Interrogatory Nos. 1, 3, 4, 5 and 15; Medtronic Sofamor Danek USA, Inc., et al. v. NuVasive, Inc.; United States District Court Southern District of California; Case No.: 3:08-CV-1512 MMA (AJB); dated February 12, 2010; 13 pages.					
Lit. 4	Medtronic Sofamor Danek USA, Inc. et al., v. Nuvasive, Inc.; Medtronic's Fourth Supplemental Disclosure of Asserted Claims and Infringement Contentions; 8 pages; dated February 12, 2010; Attachment 17, 5 pages.					
Lit. 4	Medtronic Sofamor Danek USA, Inc., et al. v. Nuvasive, Inc.; Order Construing Disputed Claim Terms of United States Patent Nos. 5,860,973; 6,945,933; 6,592,586; and 7,470,236; 22 pages; dated April 1, 2010.					
Lit. 4	Medtronic Sofamor Danek USA, Inc., et al. v. Nuvasive, Inc.; Plaintiff Medtronic Sofamor Danek USA, Inc., et al.'s Supplemental Objections and Responses to NuVasive, Inc.'s Second Set of Interrogatories (No. 16); 13 pages; dated May 10, 2010.					
Lit. 4	Warsaw Orthopedic, Inc., v. NuVasive, Inc.; Opening Expert Witness Report of Dr. Michael Marks Regarding Invalidity of the Asserted Claims of U.S. Patent No. 6,592,586; 49 pages; dated December 3, 2010; Exhibit A, 12 pages; Exhibit B, 5 pages; Exhibit H, 140 pages; Exhibit I, 132 pages; Exhibit J, 93 pages; Exhibit K, 80 pages; Exhibit L, 82 pages; Exhibit M, 79 pages; Exhibit N, 80 pages; Exhibit O, 92 pages.					
Lit. 4	Warsaw Orthopedic, Inc., v. Nuvasive, Inc.; Medtronic's Opposition to Nuvasive Inc.'s Motions for Summary Judgment (Redacted Version); 30 pages; March 9, 2011.					

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /M.L./

Lit. 4	Warsaw Orthopedic, Inc., v. Nuvasive, Inc.; Medtronic's Responses to Nuvasive's Statement of Undisputed Facts and Medtronic's Statement of Additional Material Facts (Redacted Version); 77 pages; March 9, 2011.
Lit. 4	Warsaw Orthopedic, Inc., v. Nuvasive, Inc.; Nuvasive's Opposition to Warsaw's Motions for Summary Judgment (Redacted Version); 31 pages; March 9, 2011.
Lit. 4	Warsaw Orthopedic, Inc., v. Nuvasive, Inc.; Nuvasive's Response to Warsaw's Statement of Undisputed Material Facts (Redacted Version); 89 pages; March 10, 2011.
Lit. 4	Warsaw Orthopedic, Inc., v. Nuvasive, Inc.; Medtronic's Responses to Nuvasive's Statement of Additional Material Facts (Redacted Version); 39 pages; March 16, 2011.
Lit. 4	Warsaw Orthopedic, Inc., v. Nuvasive, Inc.; Nuvasive's Reply in Support of Motions for Summary Judgment (Redacted Version); 13 pages; March 16, 2011.
Lit. 4	Warsaw Orthopedic, Inc., v. Nuvasive, Inc.; Nuvasive's Reply to Warsaw's Statement of Additional Material Facts (Redacted Version); 67 pages; March 16, 2011.
Lit. 4	Warsaw Orthopedic, Inc., v. Nuvasive, Inc.; Reply Memorandum in Support of Medtronic's Motion for Summary Judgment (Redacted Version); 14 pages; March 16, 2011.
Lit. 4	Medtronic Sofamor Danek USA, Inc., et al, v. Nuvasive, Inc.; Notice and Order Providing Tentative Rulings Re: Parties' Cross Motions for Summary Judgment; 1 page; March 22, 2011.
Lit. 4	Baskin, Jonathan J., et al.; "Techniques of Anterior Cervical Plating;" <u>Operative Techniques in Neurosurgery</u> ; Vol.1, No. 2; June 1998; pages 90-102.
Rex. 6 *	ORION Brochure, Anterior Cervical Plate System, Surgical Technique, as described by Gary L. Lowery, M.D., Ph.D. (July 1996); pages 1-24 plus 1 page.
Rex. 5	Davne et al.; "Complications of Lumbar Spinal Fusion with Transpedicular Instrumentation;" <u>Spine</u> ; June 1992; pages S184-S189.
	Right of Appeal Notice from Reexamination Proceeding No. 95/000,446; mailed September 29, 2010; 35 pages.
	Third Party Requester's Brief on Appeal from Reexamination Proceeding No. 95/000,446; dated December 29, 2010; 57 pages.
	Respondent's Brief from Reexamination Proceeding No. 95/000,446; dated January 31, 2011; 21 pages.
	Examiner's Answer from Reexamination Proceeding No. 95/000,446; mailed March 11, 2011; 4 pages.
	Third Party Requester's Rebuttal Brief on Appeal from Reexamination Proceeding No. 95/000,446; dated April 11, 2011; 15 pages.
	Respondent's Brief on Appeal from Reexamination Proceeding No. 95/000,451; faxed August 30, 2010; 27 pages.
	Corrected Third Party Requester's Brief on Appeal from Reexamination Proceeding No. 95/000,451; dated September 27, 2010; 44 pages.
	Examiner's Answer from Reexamination Proceeding No. 95/000,451; mailed March 23, 2011; 4 pages.
	Third Party Requester's Rebuttal Brief on Appeal from Reexamination Proceeding No. 95/000,451; dated April 25, 2011; 12 pages.
	Action Closing Prosecution from Reexamination Proceeding No. 95/000,448; mailed June 18, 2009; 18 pages.
	Right of Appeal Notice from Reexamination Proceeding No. 95/000,448; mailed August 13, 2009; 19 pages.
	Third Party Requester's Brief on Appeal from Reexamination Proceeding No. 95/000,448; dated November 12, 2009; 38 pages.
	Respondent's Brief from Reexamination Proceeding No. 95/000,448; faxed December 14, 2009; 20 pages.
	Examiner's Answer from Reexamination Proceeding No. 95/000,448; mailed February 16, 2010; 24 pages.
	Third Party Requester's Rebuttal Brief on Appeal from Reexamination Proceeding No. 95/000,448; dated March 16, 2010; 10 pages.
	Board of Patent Appeals and Interferences Decision on Appeal from Reexamination Proceeding No. 95/000,448; mailed October 21, 2010; 19 pages.

	Request to Reopen Prosecution Before the Examiner Under 37 CFR 41.77(b)(1) from Reexamination Proceeding No. 95/000,448; faxed November 22, 2010; 16 pages.
	Corrected Third Party Requester Comments After Patent Owner's Request to Reopen Prosecution and the Accompanying Claim Amendment from Reexamination Proceeding No. 95/000,448; filed February 2, 2011; 114 pages.
	Office Action from Reexamination Proceeding No. 95/000,448; mailed March 10, 2011; 48 pages.
	Third Party Requester Comments Pursuant to 37 CFR § 41.77(e) from Reexamination Proceeding No. 95/000,448; dated April 11, 2011; 33 pages.
	Board of Patent Appeals and Interferences Decision on Appeal from Reexamination Proceeding No. 95/000,449; mailed March 9, 2011; 20 pages.
	Request to Reopen Prosecution Before the Examiner Under 37 C.F.R. § 41.77(b)(1) from Reexamination Proceeding No. 95/000,449; dated April 11, 2011; 149 pages.
	Record of Oral Hearing from Reexamination Proceeding No. 95/000,449; hearing held January 5, 2011, record mailed May 27, 2011; 19 pages.
	Notice of Allowance from U.S. Patent Application No. 10/883,086; mailed December 1, 2009; 4 pages.
	Office Action from U.S. Patent Application No. 10/938,380; mailed November 24, 2010; 8 pages.
	Amendment from U.S. Patent Application No. 10/938,380; filed March 24, 2011; 13 pages.
	Office Action from U.S. Patent Application No. 10/938,380; mailed April 11, 2011; 9 pages.
EXAMINER	/Matthew Lawson/
DATE CONSIDERED	08/09/2011
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.	